

## DEPARTMENT OF COMMERCE

## National Oceanic and Atmospheric Administration (NOAA)

## 50 CFR Parts 611 and 672

[Docket No. 921107-3149; I.D. 052693B]

## Foreign Fishing; Groundfish of the Gulf of Alaska

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Final 1993 initial specifications for Pacific ocean perch and the "other species" category, and closures to directed fishing.

**SUMMARY:** NMFS announces the final 1993 initial harvest specifications of total allowable catch (TAC) for Pacific ocean perch (POP) in the Gulf of Alaska (GOA), and a corresponding adjustment to the final TAC specifications for "other species." These actions are necessary to establish harvest limits for POP, and to adjust accordingly the TAC specifications for "other species" during the 1993 fishing year. NMFS also is closing specified areas to directed fishing for POP consistent with the final 1993 initial specifications for POP. These actions are intended to carry out management objectives contained in the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP).

**DATES:** The final 1993 initial specifications for POP, the adjusted TAC specifications for "other species," and the specified closures to directed fishing for POP are effective at 12 noon, Alaska local time (A.l.t.), June 18, 1993. The closures to directed fishing are effective through 12 midnight, A.l.t., December 31, 1993.

**ADDRESSES:** Copies of a Final Environmental Assessment of 1993 Groundfish Total Allowable Catch Specifications for the Gulf of Alaska, dated February 1993 (EA), may be obtained from the Fisheries Management Division, Alaska Region, NMFS, Box 21668, Juneau, Alaska 99802. The Final Stock Assessment and Fishery Evaluation Report for the 1993 Gulf of Alaska Groundfish Fishery, dated November 1992 (SAFE Report), and the Analysis of Alternative Harvest Policies for Rebuilding Pacific Ocean Perch in the Gulf of Alaska, dated 20 May 1993, are available from the North Pacific Fishery Management Council, P.O. Box 103136, Anchorage, Alaska 99510.

**FOR FURTHER INFORMATION CONTACT:**

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## SUPPLEMENTARY INFORMATION:

## Background

NMFS announces for the 1993 fishing year: (1) Acceptable biological catch (ABC) and total allowable catch (TAC) amounts for POP in the GOA and an apportionment of TACs among domestic annual processing (DAP), joint venture processing (JVP), and total allowable level of foreign fishing (TALFF); (2) inseason adjustment to the "other species" TAC specifications; and (3) specified area closures to directed fishing for POP. A discussion of each of these measures follows.

## 1. Specification of POP TAC

The North Pacific Fishery Management Council (Council) met December 8-13, 1992, to review current scientific information and consider public testimony regarding 1993 groundfish stocks and fisheries, and to recommend final 1993 specifications of TAC. Scientific information is contained in the SAFE Report, which was prepared and presented by the GOA Plan Team to the Council and the Council's Scientific and Statistical Committee (SSC) and Advisory Panel (AP). After consideration of Council recommendations and all other relevant information, NMFS, under 50 CFR 672.20(c)(1)(ii)(B), established final 1993 initial specifications for GOA groundfish, except for POP (58 FR 16787, March 31, 1993). For the reasons given below, NMFS requested that the Council reconsider its recommended specifications for POP at its April 1993 meeting.

The Council, at its December 1992 meeting, reviewed updated scientific information about POP life history, stock status, and commercial exploitation presented in the SAFE Report and in testimony to the Council and its committees, and recommended a 1993 POP ABC and TAC of 5,560 metric tons (mt) and 2,560 mt, respectively. The Council recommended the reduced TAC because scientific information indicates that POP stocks are depressed compared to historical, pre-exploitation levels, and that a high level of uncertainty is associated with stock assessment methodology. The Council believed that, on a Gulf-wide basis, the 2,560 mt TAC was anticipated to be sufficient to provide for unavoidable bycatch of POP in remaining trawl fisheries, and that a low TAC was necessary to rebuild POP stocks. The Council stated its desire to reduce the POP mortality, maintain non-POP fisheries, and avoid unnecessary waste and discards.

NMFS declined to specify an initial 1993 POP TAC at the time all other GOA groundfish TACs were specified (58 FR 16787, March 31, 1993) because of: (1) The requirements of the FMP at Section 2.1 to consider costs and benefits prior to undertaking of stock rebuilding plans; (2) the anticipated availability of additional biological and socioeconomic information on POP to be incorporated in a draft stock rebuilding analysis, scheduled to be reviewed by the Council at its April 1993 meeting; and (3) the potentially large value foregone to the trawl industry if the recommended TAC was implemented, as presented in testimony to the Council and in comments received by NMFS after the December 1992 meeting. NMFS instead referred the recommended specifications for POP back to the Council for reconsideration at its April 1993 meeting.

At its April 1993 meeting, the Council received public testimony and considered the draft analysis of alternatives for rebuilding POP stocks. Among other items, the POP rebuilding analysis presented information requested at earlier meetings by the Plan Team, SSC, AP, and an industry rockfish committee on an appropriate stock-recruitment relationship, optimal fishing exploitation rate ( $F_{MSY}$ ), corresponding target biomass for rebuilding ( $B_{MSY}$ ), and an evaluation of the economic costs and benefits associated with four stock rebuilding alternatives. In the normal course of events, this new information would not be incorporated in the stock assessment/specification process until the next annual cycle, here, the one for the 1994 groundfish specifications, when it could be reviewed and approved by the Plan Team. However, based on the new information and on comments by the SSC that, on the basis of the analysis, both the 1993 ABC and overfishing levels would have been set at  $F_{MSY}$  of 3,378 mt, the Council recommended that amount as both a new 1993 ABC and overfishing level. After public testimony, the Council also reiterated its original TAC recommendation of 2,560 mt as an appropriate harvest level for 1993.

The Council did not specifically address the distribution of POP ABC or TAC within the GOA at its April 1993 meeting. Groundfish ABCs and TACs have in the past been apportioned among the Regulatory areas and Districts in accordance with biomass distribution to reduce the potential for localized depletion and to make groundfish available to harvesters all over the GOA. This was also the Council

recommendation for the distribution of 1993 POP ABC and TAC in December 1992. However, distribution of the POP TAC based solely on biomass distribution would not fulfill Council expectations for POP management because the majority of trawl activity and highest need for POP bycatch is the Central Regulatory Area, while the highest abundance of POP occurs in the Eastern Regulatory Area. Therefore, insufficient amounts of POP would be available to support trawl fisheries in the Central Regulatory Area, and amounts excess to bycatch needs would be available in the other two areas. After attainment of the TAC in the Central Regulatory Area, continuing trawl fisheries would accrue additional POP, which would have to be discarded despite 100 percent mortality of these fish. In order to minimize such waste and discards and disruption of trawl fisheries, while at the same time reducing the risk of localized depletion of POP, NMFS is distributing the TAC among regulatory areas in another manner. TAC is distributed first, in accordance with the distribution of POP biomass; second, in accordance with anticipated bycatch needs; and last, as limited by the apportioned ABC for each regulatory area. The resultant apportionments of TAC for the Western, Central, and Eastern Regulatory Areas, respectively, are: 341 mt, 949 mt, and 1,270 mt (Table 1, Revised). NMFS estimates that in the Central Regulatory Area, additional amounts of POP may be caught during anticipated 1993 trawl fisheries, which could neither be retained nor survive to contribute to future recruitment of POP. However, overfishing has been established in a Gulf-wide basis and would not be reached solely on the basis of Central Regulatory Area fishing activities. As required by the FMP and implementing regulations, NMFS will take steps necessary to minimize waste, prevent overfishing while achieving the optimum yield (OY) of all groundfish species, including early curtailment of fisheries that have significant bycatches of POP in the GOA, and promote efficiency in resource utilization.

The Council previously recommended that DAP equal TAC for each groundfish species category, resulting in no TALFF or JVP apportionments for any groundfish for the 1993 fishing year.

Under 50 CFR 672.20(a)(2)(ii), the sum of the TACs for all species must fall within the combined OY range established for these species—116,000–800,00 mt. After specification of the 1993 initial TAC for POP, and adjustment of the specifications for

"other species," the OY remains within this allowable range.

NMFS has reviewed the Council's recommendations for final 1993 POP ABC and TAC specifications and hereby approves these specifications under 50 CFR 672.20(c)(1)(ii)(B); the POP TAC is apportioned among regulatory areas within the GOA according to the stated goals of the Council and consistent with the best available scientific information about the POP resource.

## 2. Adjustment of TAC for "Other Species"

The FMP specifies that the TAC amount for the "other species" category is equal to 5 percent of the combined TACs for target species. The TAC of "other species" was previously specified for each regulatory area as 5 percent of the sum of all target groundfish TACs except POP, including 5 percent of the interim TAC for POP (58 FR 16787, March 31, 1993). The Director, Alaska Region (Regional Director) has adjusted the "other species" TAC for each regulatory area to reflect the final TAC specifications for POP. Resultant adjusted 1993 TACs of "other species" are shown in Table 1 (Revised).

## 3. Closures to Directed Fishing for POP

Notifications in the Federal Register of proposed and final 1993 interim specifications of groundfish and associated management measures for the GOA (57 FR 57982, December 8, 1992, and 58 FR 16787, March 1993, respectively), contained closures to directed fishing for POP during 1993. Under 50 CFR 672.20(c)(2)(ii), the Regional Director has determined that the TAC for POP specified for the Western, Central, and Eastern Regulatory Areas will be needed as incidental catch to support other anticipated groundfish fisheries during 1993. Although the estimated bycatch needs for POP in the Eastern Regulatory Area are substantially less than the available TAC, industry representatives have indicated that a fishery for the "other rockfish" category may expand significantly as a remedy to the lower availability of POP during 1993. The Regional Director has determined that available POP will be needed as bycatch to support other directed fisheries in that regulatory area. Therefore, the Regional Director is establishing directed fishing allowances of zero mt and prohibiting directed fishing for the remainder of the fishing year for POP in the Western, Central, and Eastern Regulatory Areas. Directed fishing standards may be found at 50 CFR 672.20(g). These closures to directed

fishing could be rescinded if and when remaining POP is determined to no longer be needed as bycatch during 1993.

## Response to Comments

Written comments on the proposed 1993 initial specifications and other management measures were requested until January 4, 1993. The Regional Director received four comments on the Council recommendations for 1993 rockfish TACs during the comment period. Comments on rockfishes other than POP were addressed in a previous Federal Register notice (58 FR 16787, March 31, 1993). Of the four letters, two expressed support for the Council's December 1992 recommendation of TAC for POP (2,560 mt), and two supported a higher TAC for POP. Because the Council at its April 1993 meeting again recommended a final 1993 POP TAC of 2,560 mt, those comments remain relevant to this action, and are summarized and responded to below.

**Comment 1:** The 1993 TAC recommended for POP by the Council (2,560 mt) is appropriate. POP stocks have been heavily exploited and remain depleted relative to historic pre-exploitation levels. The Magnuson Act mandates that regional councils rebuild depleted fish stocks. The recommended TAC was calculated using a reduced exploitation rate. It was the only stock projection presented to the Council at its December 1992 meeting that had a high probability of rebuilding the stocks to a commonly accepted reference level in a "reasonable" period of time.

**Response:** NMFS approved the Council's recommended TAC for POP. NMFS agrees that POP have been heavily exploited, and that the population is currently below historic "unfished" levels and may be in need of rebuilding. NMFS concurs with the Council's action to analyze alternatives for possible adoption of a stock rebuilding plan as required by the FMP.

**Comment 2:** The POP TAC recommended by the Council is unjustifiably low; TAC should be set at or slightly below ABC. The ABC adopted by the Council and recommended by its advisory bodies in December 1992 for 1993 (5,560 mt) is based on the best available scientific information and incorporates a conservative adjustment for the status of the POP population relative to a commonly accepted reference level. The population of POP is low but stable, and current fishing is not the cause of large declines in prior years. NMFS can effectively manage a TAC set at or near ABC. At current exploitation rates incorporated in the ABC, recruitment

will occur under favorable environmental conditions.

**Response:** NMFS believes that a reduced TAC for POP is justified on biological grounds because of uncertainties about the knowledge about rockfish biology, historic exploitation levels, and population status, and because the current ABC is 3,378 mt, equal to the overfishing level. The 1993 ABC for POP recommended in December 1992, 5,560 mt, was the product of a rigorous analysis of available data. However, after review of new information presented to the Council and its committees in April 1993 as part of an analysis of potential POP stock rebuilding programs, the SSC indicated that it would have adopted an ABC and overfishing level of 3,378 mt had that information been available in December 1992. The Council subsequently adopted 3,378 mt as the ABC and overfishing level. Additionally, current POP stock survey methodology will benefit from continual reevaluation of methods, and the spawn-recruit relationship for POP is not well understood. Finally, changes in biomass and recruitment patterns for species such as pollock and arrowtooth flounder may indicate large-scale changes in the GOA ecosystem. If such environmental changes limit environmental conditions favorable for POP, then all sources of mortality, including that from commercial fishing, could reduce the probability of successful recruitment. These factors support a conservative TAC to improve

the probability of maintenance of the POP stocks.

**Comment 3:** The recommended TAC for POP establishes a "bycatch only" management regime and will result in unnecessary waste and discards of POP bycatch in other groundfish fisheries once TAC has been achieved and POP may no longer be retained.

**Response:** Estimation of bycatch needs for POP in 1992 groundfish fisheries indicates that the recommended 1993 TAC for POP will support non-POP trawl fisheries at levels experienced in 1992 (or at increased levels for some species); except in the Central Regulatory Area. NMFS distributed the recommended overall TAC among GOA Regulatory areas to accomplish the Council goals of decreasing POP fishing mortality with minimum disruption to existing groundfish fisheries, and to avoid unnecessary waste and discards.

**Comment 4:** The POP TAC recommended by the Council was politically motivated to limit trawl activity in the GOA.

**Response:** The POP TAC recommended by the Council is justifiable for conservation and management of the POP stock. Political or other motivations are not germane.

#### Classification

This action is authorized under 50 CFR 611.92 and 672.20 and complies with E.O. 12291.

NMFS prepared an EA on the 1993 TAC specifications. The Assistant Administrator for Fisheries, NOAA,

concluded that no significant impact on the human environment will result from their implementation. The initial POP TAC, adjusted "other species" TAC, and sum of all 1993 groundfish TACs in the GOA are unchanged from those for which the EA was prepared, and the conclusion of that document remains valid.

Pursuant to section 7 of the Endangered Species Act (ESA), an informal consultation about effects of the final 1993 initial groundfish specifications on: (1) Steller sea lions was concluded on January 27, 1993; (2) listed species of Pacific salmon on April 21, 1993; and, (3) listed, proposed and candidate seabirds was concluded on February 1 and clarified on February 12, 1993. The Regional Director has determined that fishing activities conducted under this rule would not affect endangered or threatened species under the ESA in a manner not already considered in these information consultations concluded for the 1993 groundfish specifications.

#### List of Subjects

##### 50 CFR Part 611

Fisheries, Foreign relations.

##### 50 CFR Part 672

Fisheries, Reporting and recordkeeping requirements.

**Authority:** 16 U.S.C. 1801 et seq.

**Dated:** June 16, 1993.

**Gary Matlock,**

Acting Assistant Administrator for Fisheries,  
National Marine Fisheries Service.

TABLE 1 (REVISED).—FINAL 1993 SPECIFICATIONS FOR OVERFISHING LEVELS, ACCEPTABLE BIOLOGICAL CATCHES (ABC), AND TOTAL ALLOWABLE CATCHES (TAC) FOR THE WESTERN/CENTRAL (W/C), WESTERN (W), CENTRAL (C), AND EASTERN (E) REGULATORY AREAS AND IN THE SHUMAGIN (SH), CHIRIKOF (CH), KODIAK (KD), WEST YAKUTAT (WYK), AND SOUTHEAST OUTSIDE (SEO) DISTRICTS OF THE GULF OF ALASKA (GW)

[Specifications of domestic annual processing (DAP) equal TAC. Values are in metric tons]

Species	Overfishing level	Area <sup>1</sup>	ABC	TAC=DAP
Pollock <sup>2</sup>	286,000	SH	34,068	24,087
		CH	36,737	25,974
		KD	86,195	60,939
		W/C	157,000	111,000
	9,020	E	3,400	3,400
		Total	160,400	114,400
Pacific cod <sup>3</sup>	78,100	W	18,700	18,700
		C	35,200	35,200
		E	2,800	2,800
		Total	56,700	56,700
Deep water flatfish <sup>4</sup>		W	2,020	1,740
		C	35,580	15,000
		E	7,930	3,000

TABLE 1 (REVISED).—FINAL 1993 SPECIFICATIONS FOR OVERFISHING LEVELS, ACCEPTABLE BIOLOGICAL CATCH (ABC), AND TOTAL ALLOWABLE CATCHES (TAC) FOR THE WESTERN/CENTRAL (W/C), WESTERN (W), CENTRAL (C), AND EASTERN (E) REGULATORY AREAS AND IN THE SHUMAGIN (SH), CHIRIKOF (CH), KODIAK (KD), WEST YAKUTAT (WYK), AND SOUTHEAST OUTSIDE (SEO) DISTRICTS OF THE GULF OF ALASKA (GW)—Continued

[Specifications of domestic annual processing (DAP) equal TAC. Values are in metric tons]

Species	Overfishing level	Area <sup>1</sup>	ABC	TAC=DAP
	59,650	Total	45,530	19,740
Shallow water flatfish <sup>6</sup>		W	27,480	4,500
		C	21,260	10,000
		E	1,740	1,740
	70,860	Total	50,480	16,240
Flathead sole		W	12,580	2,000
		C	31,830	5,000
		E	5,040	3,000
	64,780	Total	49,450	10,000
Arrowtooth flounder		W	38,880	5,000
		C	253,330	20,000
		E	29,080	5,000
	451,690	Total	321,290	30,000
Sablefish <sup>6</sup>		W	2,030	2,030
		C	9,610	9,610
		WYK	3,830	3,830
		SEO	5,430	5,430
	27,750	Total	20,900	20,900
Northern rockfish <sup>7</sup>		W	1,000	1,000
		C	4,720	4,720
		E	40	40
	10,360	Total	5,760	5,760
Other rockfish <sup>8</sup>		W	330	214
		C	1,640	1,064
		E	6,330	4,105
	9,850	Total	8,300	5,383
Pacific ocean perch <sup>9</sup>		W	753	341
		C	949	949
		E	1,676	1,270
	3,378	Total	3,378	2,560
Shortraker/rougheye rockfish <sup>10</sup>		W	100	90
		C	1,290	1,161
		E	570	513
	2,900	Total	1,960	1,764
Pelagic shelf rockfish <sup>11</sup>		W	1,010	1,010
		C	4,450	4,450
		E	1,280	1,280
	11,300	Total	6,740	6,740
Demersal shelf rockfish <sup>12</sup>	1,600	SEO	800	800
Thornyhead rockfish	1,441	GW	1,180	1,062
Other species <sup>13</sup>		W	NA	3,053
		C	NA	9,721
		E	NA	1,828
	NA	Total	NA	14,602
Total			732,868	306,65

Footnotes:

<sup>1</sup> See figure 1 of § 672.20 for description of regulatory areas/districts.

TABLE 1 (REVISED).—FINAL 1993 SPECIFICATIONS FOR OVERFISHING LEVELS, ACCEPTABLE BIOLOGICAL CATCHES (ABC), AND TOTAL ALLOWABLE CATCHES (TAC) FOR THE WESTERN/CENTRAL (W/C), WESTERN (W), CENTRAL (C), AND EASTERN (E) REGULATORY AREAS AND IN THE SHUMAGIN (SH), CHIRIKOF (CH), KODIAK (KD), WEST YAKUTAT (WYK), AND SOUTHEAST OUTSIDE (SEO) DISTRICTS OF THE GULF OF ALASKA (GW)—Continued

[Specifications of domestic annual processing (DAP) equal TAC. Values are in metric tons]

Species	Overfishing level	Area <sup>1</sup>	ABC	TAC=DAP
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<sup>2</sup> TAC for W/C Regulatory Area is 111,000 mt, representing the sum of the Shumagin (SH), Chirikof (CH), and Kodiak (KD) districts. The category pollock is allocated entirely to vessels catching pollock for processing by the inshore component after subtraction of an amount that is projected by the Regional Director to be caught by, or delivered to, the offshore component incidental to fishing for other groundfish species.

<sup>3</sup> The category Pacific cod is allocated 90 percent to vessels catching Pacific cod for processing by the inshore component and 10 percent to vessels catching Pacific cod for processing by the offshore component (Table 4).

<sup>4</sup> The category "deep water flatfish" means rex sole, Dover sole, and Greenland turbot.

<sup>5</sup> The category "shallow water flatfish" means flounders not including "deep water flatfish," flathead sole, or arrowtooth flounder.

<sup>6</sup> The category sablefish is allocated to trawl and hook-and-line gears (Table 2).

<sup>7</sup> The category Northern rockfish (*Sebastes polyspinis*) was previously part of the "Other rockfish" complex.

<sup>8</sup> The category "other rockfish" in the Western and Central Regulatory Areas and in the West Yakutat District includes slope rockfish, and demersal shelf rockfish as defined in #12 below. The category "other rockfish" in the Southeast Outside District includes only the slope rockfish.

Slope rockfish means all members of the genus *Sebastes* not defined as pelagic shelf rockfish, demersal shelf rockfish, or Pacific ocean perch, including the following:

*Sebastes aurora* (aurora rockfish), *S. melanostomus* (blackgill rockfish), *S. paucispinis* (bocaccio), (*S. goodei* (chilepepper rockfish), *S. crameri* (darkblotch rockfish), *S. elongatus* (greenstriped rockfish), *S. variegatus* (harlequin rockfish), *S. wilsoni* (pygmy rockfish), *S. pronger* (redstripe rockfish), *S. zacentrus* (sharpchin rockfish), *S. jordani* (shortbelly rockfish), *S. brevispinis* (silverygrey rockfish), *S. diploproa* (spinynose rockfish), *S. saxicola* (stripetail rockfish), *S. miniatus* (Vermilion rockfish), and *S. reedi* (Yellowmouth rockfish).

<sup>9</sup> The category "Pacific ocean perch" means *Sebastes alutus*.

<sup>10</sup> The category "shortraker/rougheye rockfish" includes *Sebastes borealis* and *S. aleutianus*, respectively.

<sup>11</sup> The category "pelagic shelf rockfish" includes: *Sebastes melanops* (black rockfish), *S. mystinus* (blue rockfish), *S. ciliatus* (dusky rockfish), *S. entomelas* (widow rockfish), and *S. flavus* (yellowtail rockfish).

<sup>12</sup> The category "demersal shelf rockfish" includes: *Sebastes pinniger* (canary rockfish), *S. nebulosus* (China rockfish), *S. caurinus* (copper rockfish), *S. maliger* (quillback rockfish), *S. babcocki* (redbanded rockfish), *S. helvomaculatus* (rosethorn rockfish), *S. nigrocinctus* (tiger rockfish), and *S. ruberrimus* (yelloweye rockfish).

<sup>13</sup> The category "other species" includes Atka mackerel, sculpins, sharks, skates, eulachon, smelts, capelin, squid, and octopus. The TAC is equal to 5 percent of the sum of TACs of target species in each Regulatory Area.